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February 17, 2000  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

*Via Hand Delivery*

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: MM Docket No. 95-31  
Reexamination of the Comparative Standards for Noncommercial  
Educational Applicants  
Ex Parte Notice

Dear Ms. Salas:

Enclosed please find two copies of a letter submitted in the above-captioned proceeding. The documents referenced in the letter are already in the Commission docket, but are being filed here out of an abundance of caution. If there are any questions regarding this matter, please contact the undersigned at (202) 414-2055, or Lonna Thompson, APTS Director, Legal Affairs, at (202) 887-7030.

Sincerely,

Michelle M. Shanahan  
Assistant General Counsel

cc: Lonna Thompson, Esq.

No. of Copies rec'd 0+1  
List A B C D E

February 8, 2000

David Goodfriend, Esq.  
Legal Advisor  
Office of Commissioner Susan Ness  
Federal Communications Commission  
445 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20554

RE: MM Docket No. 95-31  
Reexamination of the Comparative Standards for Noncommercial Educational Applicants

Dear David:

Thank you for meeting with National Public Radio, Inc. and the Association of America's Public Television Stations. Pursuant to your request, we have enclosed copies of the following documents from the Commission docket:



1. Section III.A. of the Joint Comments of NPR, APTS and the Corporation for Public Broadcasting filed in the above-referenced proceeding. This section explains that subjecting NCE applicants to auctions would violate both the Balanced Budget Act of 1997 and public policy.
2. A letter to Chairman Kennard from Senator Ted Stevens of Alaska in MM Docket No. 97-234, Competitive Bidding for Commercial Broadcast and ITFS Service Licenses.
3. A letter to Chairman Kennard from Senator Ernest F. Hollings of South Carolina in MM Docket No. 97-234.
4. A letter to Chairman Kennard from Senator Ron Wyden of Oregon in MM Docket No. 97-234.
5. A letter to Chairman Kennard from Congressman Glenn Poshard of the 19<sup>th</sup> District, Illinois, in MM Docket No. 97-234.

If you have any questions regarding these documents, please do not hesitate to contact me at (202) 414-2055 or Lonna Thompson, APTS' Director, Legal Affairs at (202) 887-7030.

Sincerely,

Michelle M. Shanahan  
Assistant General Counsel

cc: Lonna Thompson, Esq.

Please Stamp  
and return

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of )  
 )  
Reexamination of the Comparative ) MM Docket No. 95-31  
Standards for Noncommercial )  
Educational Applicants )

To: The Commission

**RECEIVED**

JAN 28 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**JOINT COMMENTS OF NATIONAL PUBLIC RADIO, INC.,  
THE ASSOCIATION OF AMERICA'S PUBLIC TELEVISION STATIONS AND  
THE CORPORATION FOR PUBLIC BROADCASTING**

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Vice President for Legal Affairs,  
General Counsel and Secretary  
Mary Lou Kenny  
Vice President of Member and Program  
Services  
Betsy Laird  
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Director, Legal Affairs  
ASSOCIATION OF AMERICA'S  
PUBLIC TELEVISION STATIONS  
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General Counsel and Corporate Secretary  
Robert M. Winteringham  
Staff Attorney  
CORPORATION FOR PUBLIC BROADCASTING  
901 E Street, N.W.  
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January 28, 1999

mutually-exclusive applications. The Commission should instead adopt a special NCE processing track when an NCE entity applies for non-reserved spectrum. In the alternative, the Commission should both permit the reservation of additional spectrum for NCE use and adopt a hybrid approach using the point system described below.

**A. Subjecting NCE Applicants To Auctions Would Violate Both The Balanced Budget Act of 1997 And Public Policy**

As Commissioners Furchtgott-Roth and Tristani stated in their Separate Statement to the FNPRM, "We believe that Congress' mandate is clear: the Commission lacks authority to employ auctions to issue licenses to such [noncommercial educational broadcast or public broadcast] stations, regardless of whether they operate on a reserved or on a commercial frequency."<sup>65</sup>

The Balanced Budget Act of 1997 provides that the competitive bidding authority granted by the Act "shall not apply to licenses or construction permits issued by the Commission ... for stations described in section 397(6) of this Act."<sup>66</sup> Section 397(6) of the Communications Act refers to a "television or radio broadcast station" which:

- (A) under the rules and regulations of the Commission in effect on November 2, 1978, is eligible to be licensed by the Commission as a noncommercial educational radio or television broadcast station and which is owned and operated by a public agency or nonprofit private foundation, corporation, or association; or

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<sup>65</sup> See FNPRM, Separate Statement of Commissioners Harold Furchtgott-Roth and Gloria Tristani, at 1; see also Competitive Bidding for Commercial Broadcast and ITFS Service Licenses, First Report and Order, MM Docket No. 97-234, FCC 98-194, Separate Statement of Commissioners Harold Furchtgott-Roth and Gloria Tristani, at 1 (August 18, 1998).

<sup>66</sup> Balanced Budget Act of 1997, Section 3002(a)(2), Pub. L. No. 105-33, 111 Stat. 258 (codified as amended at 47 U.S.C. § 309(j)(2)(C)).

(B) is owned and operated by a municipality and which transmits only noncommercial programs for education purposes.<sup>67</sup>

Section 397(6) is *not* limited to stations located on the few FM and television channels reserved for noncommercial educational broadcasters, but applies on its face to *all* noncommercial educational broadcasters regardless of their location on the AM, FM or television band.<sup>68</sup>

Moreover, the legislative history underlying the auction provisions of the Balanced Budget Act demonstrates Congress's intent to exempt public broadcasting applicants regardless of whether the particular frequency applied for is in the reserved or non-reserved spectrum. The original House and Senate bills, which were not enacted, would have expressly limited the auction exemption to applications for "channels reserved for noncommercial use."<sup>69</sup> However, the House-Senate conference eliminated this distinction between reserved and non-reserved spectrum. Under well-established canons of statutory construction, "[w]here Congress includes limiting language in an earlier version of a bill but deletes it prior to enactment, it may be presumed that the limitation was not intended."<sup>70</sup> Accordingly, the auction exemption cannot be limited to reserved noncommercial frequencies.

As further evidence of Congress's intent to exempt all NCE broadcasters from auctions, it is important to note that the reservation of certain channels for noncommercial use is not a

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<sup>67</sup> 47 U.S.C. § 397(6).

<sup>68</sup> See Estate of Cowart v. Nicklos Drilling Co., 505 U.S. 469, 475 (1992) ("[W]hen a statute speaks with clarity to an issue ... inquiry into the statute's meaning, in all but the most extraordinary circumstance, is finished.").

<sup>69</sup> S. 947, 105<sup>th</sup> Cong., 1<sup>st</sup> Sess., § 3001(a)(1) (not enacted); H.R. 2015, 105<sup>th</sup> Cong., 1<sup>st</sup> Sess., § 3301(a)(1) (enacted as amended).

<sup>70</sup> Russello v. United States, 464 U.S. 16, 23-24 (1983).

function of Federal statutory law, but of FCC rules. These rules, which were designed to guarantee the availability of a minimum, rather than a maximum, of spectrum for public broadcasters, permit public broadcasters to operate throughout the broadcast spectrum. The Commission routinely issues licenses and construction permits to stations described in Section 397(6) throughout the AM, FM and TV spectrum upon the simple filing of an application demonstrating the applicant's eligibility for an NCE broadcast station.<sup>71</sup> NCE FM stations operating on non-reserved channels are governed by the same rules that are applicable to NCE FM stations in the reserved band, with the exception of certain technical rules.<sup>72</sup> Moreover, NCE FM translators are defined as any "FM broadcast translator station which rebroadcasts the signals of a noncommercial educational FM radio broadcast station," regardless of whether the translator or full-service station are located on the reserved or non-reserved band.<sup>73</sup> Thus, based on the plain language of the statute and Congressional intent, the Balanced Budget Act exempts from auctions all applications for new or modified NCE broadcast permits or licenses, whether or not the applications are for stations on reserved or non-reserved frequencies.

Not only would subjecting NCE entities to auctions violate the Balanced Budget Act of 1997, but it also would harm the public interest by restricting the diversity of voices and viewpoints available on the public airwaves. Access by public broadcasters to non-reserved spectrum is often essential in order to extend or even maintain public broadcast service. Yet, auctions would effectively close many of these frequencies to public broadcasters, who are in no

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<sup>71</sup> See 47 C.F.R. § 73.1690(c).

<sup>72</sup> 47 C.F.R. § 73.513.

<sup>73</sup> 47 C.F.R. § 74.1201(c).

position to compete financially in auctions with commercial broadcasters for broadcast frequency assignments.<sup>74</sup>

In the case of public radio, much of the reserved FM band is either filled or unsuitable for additional full-service or FM translator stations because of FCC rules requiring stations in the reserved FM band to protect against interference to television channel 6 stations,<sup>75</sup> the presence of other spectrum users,<sup>76</sup> or proximity to Canada or Mexico.<sup>77</sup> There are *no* reserved channels in the AM band. Thus, approximately 37 NPR members have established full-service NCE radio stations on the non-reserved FM band, and approximately 29 NPR members have established full-service NCE radio stations on the AM band.

Moreover, many NCE FM translators are located on the non-reserved band. For example, 12 of Minnesota Public Radio's 18 FM translators are currently located outside of the reserved FM band. These translator services are especially important to many rural and isolated

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<sup>74</sup> Public broadcasters have tight budgets funded primarily through charitable contributions or government funding. Whatever extra money they have is reinvested in the production or acquisition of additional high-quality programming or will be used in the conversion to digital broadcasting. They cannot rely upon later profits to recoup an auction investment and would have serious difficulties finding a lending institution that would provide financing for an auction bid.

<sup>75</sup> See 47 C.F.R. §§ 73.525, 74.1205, 74.1202(b)(3).

<sup>76</sup> See 47 C.F.R. §§ 73.503(b), 74.1202(b)(3); Amendment of Parts of the Commission's Rules Governing Frequency Allocations and Radio Treaty Matters, 90 F.C.C.2d 507 (1982) (requiring Alaskan radio stations operating in the frequency band 88-100 MHz to protect against common carrier operations existing on the band prior to 1982).

<sup>77</sup> See 47 C.F.R. §§ 73.504, 74.1235(d). See also Letter from Charles W. Logan, Chief, Policy and Rules Division to Mr. Joel Lawrence Efrein, DA 98-2560 (Dec. 21, 1998) (denying petition to reserve FM channel 300 for very-low-power FM radio, stating "The FM broadcast spectrum is heavily used, with many stations operating on each and every channel. For most, if not all, existing stations, there are not alternate channels available to which they could move in

communities which otherwise would not receive public radio service. The list attached as Exhibit 4 of FM translators in each state licensed to CPB grantees demonstrates the importance of such services to states with significant rural populations and isolating terrain. Since FM translators are a "secondary" service, they frequently must be relocated in order to ensure that the translator does not cause any actual interference to a new or newly-modified full-service station.<sup>78</sup> If public broadcasters must participate in auctions every time they are forced to relocate an FM translator, there could be a downward spiral in public radio coverage and, as a result, a silencing of diverse programming in many parts of the country.

In the case of television, there are 15 full-service public television stations operating on non-reserved channels. Further, there are *no* reserved NCE channels for TV translators. Many of the 787 TV translators licensed to public television stations will be forced to seek new frequencies during the transition to digital television. These TV translators provide the only public television service available to at least 2,551,714 people.<sup>79</sup> If the Commission subjects NCE applicants to auctions, many of these people will lose access to a public television signal.

Public broadcasters make a critical contribution to the diversity of voices and programming available to the public. The Commission has found that public broadcasters offer

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conformance with our rules").

<sup>78</sup> See 47 C.F.R. § 74.1203.

<sup>79</sup> See Corporation for Public Broadcasting, Analysis of Impact of Elimination of Translators (September 1998), Memorandum from Jerry Ostertag, Manager, Station Development, CPB, to Doug Weiss, Vice President, Television Operations, CPB, attached as Exhibit 5. This is a very conservative estimate that does not include individuals served by translators used to fill in holes in a primary transmitter's service area. If those individuals are included, it is likely that some undetermined percentage of the remaining 9,533,592 people served by translators also receive their only public television service from a TV translator.



diverse programs that meet “cultural and informational interests often given minimal attention by commercial broadcasters.”<sup>80</sup> Congress intended all citizens of the United States to have access to the diverse programming offered by public broadcasters.<sup>81</sup> To maximize the diversity of voices and programming available to the public and to achieve Congress’ goal of universal public telecommunications service, public broadcasters must be able to continue expanding their services to reach additional unserved and underserved communities, as well as to preserve their current level of service. They can do that only if the Commission rejects the option of subjecting NCE entities to auctions.<sup>82</sup>

**B. Finding NCE Entities Ineligible For Non-Reserved Channels Would Severely Limit The Availability Of Public Broadcasting Services**

The option of finding NCE entities ineligible for non-reserved channels altogether would be devastating to the public interest and must be rejected.<sup>83</sup> It would immediately halt the growth of public broadcasting and ultimately decrease the availability of public broadcasting, in violation of congressional policy and the public interest.

The proposal to find NCE entities ineligible for non-reserved channels is totally lacking in any legal basis or other support. The FCC reserved small portions of the spectrum for NCE

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<sup>80</sup> Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants, 58 F.C.C.2d 526, 536 (1976).

<sup>81</sup> See 47 U.S.C. § 396(a)(7).

<sup>82</sup> See also Joint Comments of NPR, NFCB and CPB in MM Docket No. 97-234, GC Docket No. 92-52, GEN Docket No. 90-264 (January 26, 1998); Comments of APTS in MM Docket No. 97-234, GC Docket No. 92-52, GEN Docket No. 90-264 (January 26, 1998).

<sup>83</sup> Indeed, this option is worse for the public interest than the auction option. If the Commission adopts auctions, there may be some frequencies that are not subject to mutually-exclusive applications and thus may be obtainable by NCE broadcasters. If the Commission adopts the ineligibility option, even those frequencies will be unavailable to NCE broadcasters.

TED STEVENS, ALASKA, CHAIRMAN

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**United States Senate**  
COMMITTEE ON APPROPRIATIONS  
WASHINGTON, DC 20510-6025

June 12, 1998

Honorable William Kennard  
Chairman, Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

RE: MM DOCKET No. 97-234  
GC DOCKET 92-52  
GEN DOCKET 90-264

Dear Chairman Kennard:

I am writing about an issue that greatly concerns me and the public broadcasting stations in my state.

As a conferee to the Balanced Budget Act (BBA) of 1997's commerce provisions, my colleagues and I crafted legislative language authorizing the FCC to auction broadcast licenses. During that process we were mindful of the interests of public broadcasters and their inability to compete at auction for licenses. I am concerned by the FCC's interpretation of the BBA provisions. The NPRM adopted November 25, 1997 disregards, perhaps unintentionally, the potentially significant impact this proposal will have on public radio and television stations alike.

Specifically, the Commission has proposed the use of auctions to decide among mutually-exclusive applications for non-reserved broadcast frequencies — whether or not one or more of the applicants is a public broadcaster. Section 3002(a)(2)(C) of the BBA prohibits the use of auctions when a public broadcaster files an application for a license to construct and operate a new or modified noncommercial educational broadcast station, regardless of whether the station is on a reserved or non-reserved frequency.

Obviously, most non-reserved frequencies will be closed to public broadcasters if they must compete in auctions, since public broadcasters lack the substantial resources necessary to compete in auctions. Many communities that we represent have the potential to be affected by this proposal. In the case of public radio in Alaska there are 12 stations located on the non-reserved FM band or the AM band, where there are few reserved FM frequencies because of military or common carrier use of the frequencies at the lower end of the spectrum.

Applying for frequencies outside the reserved band is often essential to extend and maintain noncommercial, educational broadcast services (especially FM translator services). Public radio stations that are forced to relocate current FM translators to a frequency outside of the reserved band because of interference to a new full-service station would be subject to auctions merely to maintain existing service. In the case of public television, there are no reserved channels for TV translators. Therefore, any application by a public television station for a TV translator to extend service to a rural area or to maintain service lost when a translator is forced to relocate would be subject to auctions. This will most immediately apply to the public television translators located on channels 60 to 69 that will be required to relocate under the Commission's recently adopted digital television order. In addition, many public television stations hold ITFS licenses; these entities would be subject to auctions in order to expand these important educational services.

In addition, the rationale underlying auctions — those who value the spectrum most will bid the most — does not apply to public broadcasters, who are charged with the public interest mission of serving unserved and underserved audiences through programming that, in most cases, the marketplace would not readily support.

Finally, because the FCC has not yet considered comparative hearings or other criteria to license the reserved spectrum, which the FCC recognizes to be exempt from the auction requirement, public broadcasters are effectively denied access to any spectrum for the foreseeable future.

I urge the FCC to reconsider its proposals to reflect the intent of Congress that spectrum policy should not disenfranchise public broadcasting.

Thank you for your consideration.

Sincerely,



TED STEVENS

cc: Commissioner Susan Ness  
Commissioner Harold Furchgott-Roth  
Commissioner Michael Powell  
Commissioner Gloria Tristani  
Ms. Magalie Roman Salas, Secretary, FCC

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IVAN A. SCHLAGER, DEMOCRATIC CHIEF COUNSEL AND STAFF DIRECTOR

## United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
 AND TRANSPORTATION

WASHINGTON, DC 20510-6125

June 24, 1998

The Honorable William E. Kennard  
 Chairman  
 Federal Communications Commission  
 1919 M Street, N.W.  
 Washington, DC 20554

Dear Chairman Kennard:

I am writing about an issue that greatly concerns me and the public broadcasting system. As a conferee to the Balanced Budget Act (BBA) of 1997's commerce provisions, my colleagues and I crafted legislative language authorizing the FCC to auction broadcast licenses. During that process we were mindful of the interests of public broadcasters and interpretation of the BBA provisions. The NPRM adopted November 25, 1997 disregards, perhaps unintentionally, the potentially significant impact this proposal will have on public radio and television stations alike.

Specifically, the Commission has proposed the use of auctions to decide among mutually-exclusive applications for non-reserved broadcast frequencies -- whether or not one or more of the applicants is a public broadcaster. Section 3002(a)(2)(C) of the BBA prohibits the use of auctions when a public broadcaster files an application for a license to construct a new or modified noncommercial educational broadcast station, regardless of whether the station is on a reserved or non-reserved frequency.

Obviously, most non-reserved frequencies will be closed to public broadcasters if they must compete in auctions, since public broadcasters lack the substantial resources necessary to compete in auctions. Many communities that I represent have the potential to be affected by this proposal.

Applying for frequencies outside the reserved band is often essential to extend and maintain noncommercial, educational broadcast services (especially FM translator services). Public radio stations that are forced to relocate current FM translators to a frequency outside of the reserved band because of interference to a new full-service station would be subject to auctions merely to maintain existing service. In the case of public television, there are no reserved channels for TV translators. Therefore, any application by a public television

- 2 -

station for a TV translator to extend service to a rural area or to maintain service lost when a translator is forced to relocate would be subject to auctions.

This will most immediately apply to the public television translators located on channels 60-69 that will be required to relocate under the Commission's recently adopted digital television order. In addition, many public television stations hold ITFS licenses; these entities would be subject to auctions in order to expand these important educational services.

In addition, the rationale underlying auctions -- those who value the spectrum most will bid the most -- does not apply to public broadcasters, who are charged with the public interest mission of serving unserved and under served audiences through programming that, in most cases, the marketplace would not readily support.

Finally, because the FCC has not yet considered comparative hearings or other criteria to license the reserved spectrum, which the FCC recognizes to be exempt from the auction requirement, public broadcasters are effectively denied access to any spectrum for the foreseeable future.

I urge the FCC to reconsider its proposals to reflect the intent of Congress that spectrum policy should not disenfranchise public broadcasting.

Thank you for your consideration.

With kindest regards, I am

Sincerely,

  
ERNEST F. HOLLINGS  
Ranking Democrat

cc: The Honorable Susan Ness  
The Honorable Harold Furchtgott-Roth  
The Honorable Michael Powell  
The Honorable Gloria Tristani

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United States Senate

WASHINGTON, DC 20510-3703

June 22, 1998

Honorable William Kennard  
Chairman, Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

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RE: MM DOCKET No. 97-234 ✓

GC DOCKET 92-52  
GEN DOCKET 90-264

AUG 21 1998

## Committees:

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## Oregon State Offices:

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Suite 285  
Salem, OR 97301  
(503) 589-4555FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Chairman Kennard:

I write about an issue that greatly concerns me and the public broadcasting stations in my state, which is the FCC's interpretation of the Balanced Budget Act provisions authorizing auctions. The NPRM adopted November 25, 1997 disregards, perhaps unintentionally, the potentially significant impact this proposal will have on public radio.

Specifically, the Commission has proposed the use of auctions to decide among mutually-exclusive applications for non-reserved broadcast frequencies - whether or not one or more of the applicants is a public broadcaster. However, Section 3002(a)(2)(C) of the BBA prohibits the use of auctions when a public broadcaster files an application for a license to construct and operate a new or modified noncommercial educational broadcast station, regardless of whether the station is on a reserved or non-reserved frequency.

Most non-reserved frequencies will be closed to public broadcasters if they must compete in auctions, since public broadcasters lack the substantial resources necessary to compete.

Applying for frequencies outside the reserved band is often essential to extend and maintain noncommercial, educational broadcast services (especially FM translator services). Public radio stations that are forced to relocate current FM translators to a frequency outside of the reserved band because of interference from a new full-service station would be subject to auctions merely to maintain existing service. Furthermore, in the case of public radio in Oregon, there are currently 2 stations located on the AM band, where there are no reserved noncommercial frequencies. These stations could be subject to auctions if they seek to make major modifications to their facilities.

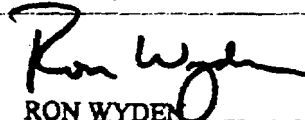
The rationale underlying auctions -- those who value the spectrum most will bid the most -- does not apply to public broadcasters, who are charged with the public interest mission of serving unserved and underserved audiences through programming that, in most cases, the marketplace would not readily support.

Finally, because the FCC has not yet adopted new rules for comparative hearings or other criteria to license the reserved spectrum, which the FCC recognizes to be exempt from the auction requirement, public broadcasters are effectively denied access to any spectrum for the foreseeable future.

I urge the FCC to reconsider its proposals to reflect the intent of Congress that spectrum policy should not disenfranchise public broadcasting.

Thank you for your consideration.

Sincerely,

  
RON WYDEN  
United States Senator

cc: Commissioner Susan Ness  
Commissioner Harold Furchgott-Roth  
Commissioner Michael Powell  
Commissioner Gloria Tristani  
Ms. Magalie Roman Salas, Secretary, FCC

GLENN POSHARD  
19TH DISTRICT ILLINOIS

107 CANNON HOUSE OFFICE BUILDING  
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July 21, 1998

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**JUL 27 1998**

**U.S. HOUSE OF BROADCASTING**

The Honorable William E. Kennard  
Chairman  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Dear Chairman Kennard:

I am writing to express my concern regarding a proposal currently under consideration by the Federal Communications Commission (FCC). Specifically, I have been made aware that the FCC may adopt a policy under which frequencies would be allocated on the basis of auctions, with frequencies being awarded to the highest bidder. I respectfully urge you to refrain from accepting such a policy, as it would seriously disadvantage the public broadcasters that serve my constituents and Americans in every congressional district.

I have a great appreciation for the important public service provided by not-for-profit, educational broadcasters. Unfortunately, most such broadcasters would not be in a position to compete with commercial broadcasters if the FCC were to implement a frequency auction system and would thereby be effectively denied access to non-reserved frequencies. Although I realize that there are certain reserved frequencies for educational stations, the demand for these is high and their availability is often insufficient to meet the needs of public broadcasters. Moreover, there are no reserved frequencies at all on the AM band.

One alternative to the frequency auction proposal is to exempt non-commercial, educational institutions from being required to offer a bid. Under this alternative, the FCC would deem such an applicant equal to the highest commercial bidder and would be required to award the frequency to the non-commercial applicant if it is found that it would better serve the public interest. This proposal would allow the Commission to evaluate frequency applications based on service to the public and diversity in the marketplace in addition to financial concerns.

Once again, I appreciate your attention to this important issue, and I know you share my interest in supporting the efforts of America's public broadcasters. If there is any way I may be of service as you continue to consider this matter, please do not hesitate to contact me.

Sincerely,



Glenn Poshard  
Member of Congress

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